

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

COMER,)	No. C03-00818 SBA
Plaintiff,)	
)	<u>ORDER DISMISSING ACTION</u>
vs.)	
)	
MICOR, INC.,)	
)	
Defendant.)	
_____)	
)	

This Court having signed a Stipulation and Order on October 14, 2003, staying this action pending resolution of the appeal filed by Smith Barney in the Ninth Circuit Court of Appeals. Accordingly,

IT IS HEREBY ORDERED that this case is dismissed WITHOUT PREJUDICE TO BEING REOPENED upon the United States Court of Appeal issuing a decision in the Smith Barney appeal. Upon written application by any party within 30 days of the United States Court of Appeal ruling, this matter shall be reopened and restored to the active civil calendar. Failure to move to reopen the matter within 30 days of the United States Court of Appeal ruling in the Smith Barney appeal will result in this dismissal becoming final, absent an extension of time previously granted.

Should any party object to this order and believe there are issues for this Court to resolve which would justify retaining this case open on its active docket notwithstanding the current status, leave is hereby granted to file such objection with the basis therefore on or before April 29, 2005.

IT IS SO ORDERED.

DATED: 4/20/05

s/Saundra Brown Armstrong
SAUNDRA BROWN ARMSTRONG
United States District Court Judge